

Mayor Anthony Foxx  
Michael D. Barnes  
Nancy Carter  
Andy Dulin  
Patsy Kinsey  
Edwin B. Peacock III

Mayor Pro-Tem Patrick Cannon  
Jason Burgess  
Warren Cooksey  
David Howard  
James E. Mitchell, Jr.  
Warren Turner

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## **CITY COUNCIL ZONING AGENDA**

### **Monday, March 21, 2011**

**5:00PM – Council/Manager Dinner**  
**Meeting Chamber Conference Room**

**6:00PM – Zoning Meeting**  
**Meeting Chamber**

### **DINNER MEETING**

- **Review of Agenda – Tammie Keplinger**
- **Single Room Occupancy Residence – Text Amendment**  
**– Debra Campbell**

**ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT**  
**[www.rezoning.org](http://www.rezoning.org)**

# REZONING ACRONYMS

## Zoning Districts

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDD** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-EO** – transit oriented development – employment - optional
- **TOD-M** – transit oriented development – mixed use
- **TOD-MO** – transit oriented development – mixed use – optional
- **TOD-R** – transit oriented development – residential
- **TOD-RO** – transit oriented development – residential - optional
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UMUD-O** – uptown mixed use district - optional
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential - commercial

## Overlay Districts

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **HW** – hazardous waste overlay
- **LNW** – Lake Norman watershed
- **LNWCA** – Lake Norman watershed – critical area
- **LNWPA** – Lake Norman watershed – protected area
- **LLWW** – Lower Lake Wylie watershed
- **LLWWCA** – Lower Lake Wylie watershed – critical area
- **LLWWPA** – Lower Lake Wylie watershed – protected area
- **MILW** – Mountain Island Lake watershed
- **MILWCA** – Mountain Island Lake watershed – critical area
- **MILWPA** – Mountain Island Lake watershed – protected area
- **MH-** – manufactured home overlay
- **PED** – pedestrian overlay district
- **PED-O** – pedestrian overlay district – optional
- **TS** – transit supportive overlay district

## Miscellaneous Acronyms

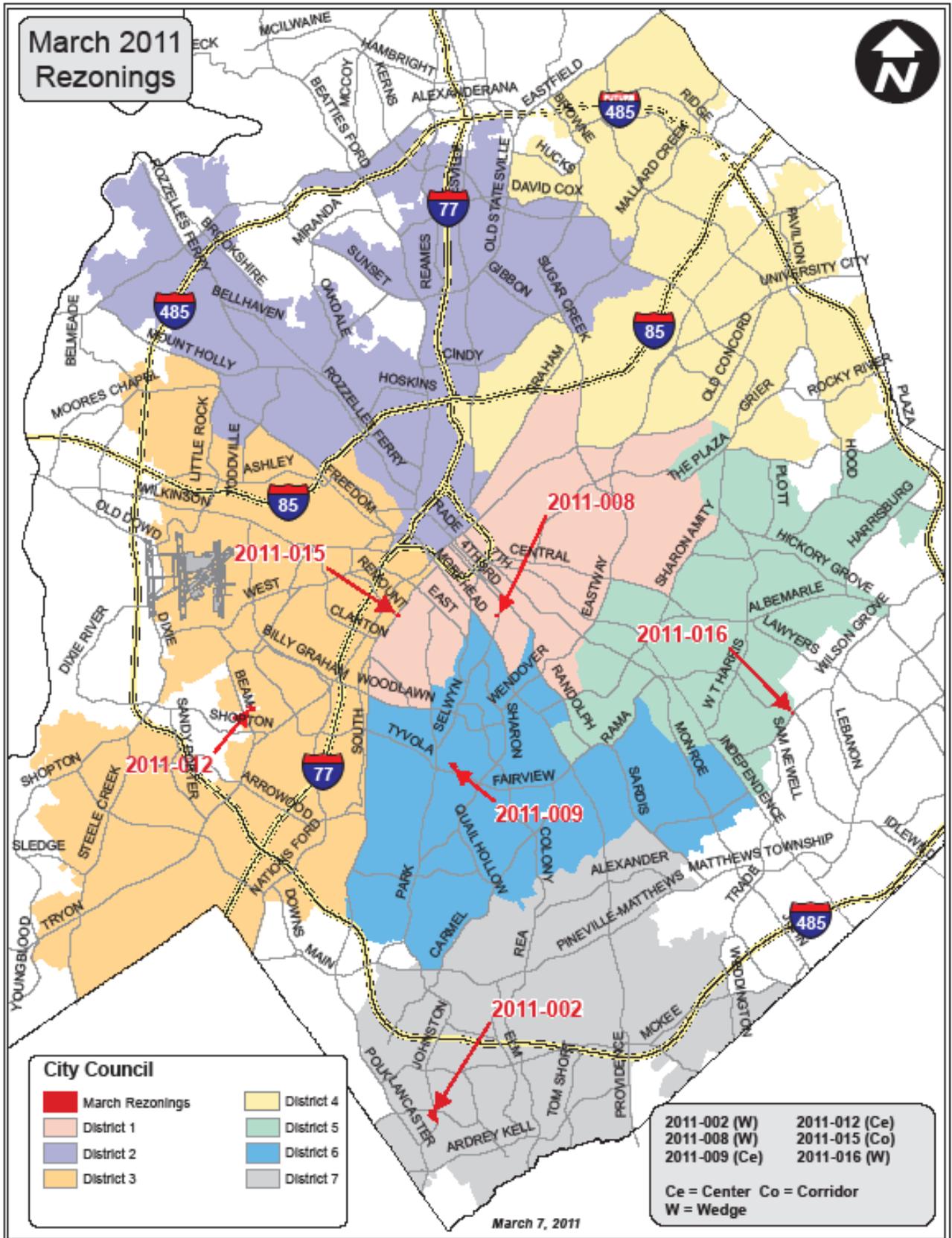
- **CD** – conditional
- **SPA** – site plan amendment

## **DECISIONS**

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| <p><b>Deferral<br/>(7 -month to<br/>October)</b></p> <p><b>Protests<br/>Sufficient</b></p> | <p><b>1. Petition No. 2008-032 by Myers Park Home Owners Association</b> for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue, north to Bucknell Avenue from R-22MF to R-8MF.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition for seven months to the September 28, 2011 Zoning Committee meeting.</p> <p>Attachment 1</p>  |
| <p><b>Deferral<br/>(1-month to<br/>April)</b></p>  | <p><b>2. Petition No. 2010-045 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to modify and clarify the regulations for pedestrian oriented information pillars and information pillar signs.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition for one month to the March 30, 2011 Zoning Committee meeting.</p> <p>Attachment 2</p>  |
|  | <p><b>3. Petition No. 2010-067 by Mecklenburg County Park &amp; Recreation Department</b> for a change in zoning of approximately 1.64 acres located on the south side of Bevington Place between Elm Lane and Rea Road from R-15(CD) to NS.</p> <p>The petition is found to be inconsistent with the <i>South District Plan</i>, and not reasonable and not in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted 5-1 to recommend <b>DENIAL</b> of this petition.</p> <p>Staff recommends approval of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. Note 7 has been modified to state "Lighting may be installed in the future if security concerns or significant requests by greenway users make the lighting of the parking lot advisable". The modification to this note also reduced the maximum height of the potential lighting from 30 feet to 25 feet and indicates it will be shielded or capped.</li> <li>2. An additional note has been provided which states "The petitioner will collaborate with the Charlotte Department of Transportation in future planning efforts concerning any traffic calming or pedestrian improvements between Rea Road and Elm Lane".</li> </ol> <p>Attachment 3</p>   |
|  | <p><b>4. Petition No. 2010-069 by Patrick N. Dillon</b> for a change in zoning of approximately 13.98 acres located on the east side of the intersection of Mallard Creek Road and Penninger Circle and located across from Mason Drive from R-3 to INST(CD).</p> <p>The petition is found to be inconsistent with the <i>Northeast District Plan</i>, but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The site plan has been modified to reflect compliance with the Tree Ordinance.</li> <li>2. A minimum age of 60 has been established for the independent living units in the development.</li> <li>3. The setback on Penninger Circle is measured from the existing right-of-way.</li> <li>4. The recycling center has been noted.</li> <li>5. The buffer class has been noted.</li> <li>6. The fence details have been noted.</li> <li>7. The colored elevation has been attached and labeled "for illustrative purposes only".</li> <li>8. As indicated in the building elevations, exterior building materials shall be a mix of architectural masonry (brick, stone, etc.) and cement fiber board trim, siding and paneling.</li> </ol> |

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| <p><b>2010-069<br/>continued</b></p>  | <ol style="list-style-type: none"> <li>9. The architectural masonry shall be no less than 30% of the building facades.</li> <li>10. Stucco may be an alternative to the cement fiberboard however synthetic stucco will not be used.</li> <li>11. The building elevations shall be articulated with the façade being periodically forward and/or recessed as depicted in the illustrative elevation.</li> <li>12. The buildings will consist of four sided architecture with no expanses of blank walls more than 40-feet.</li> <li>13. Windows will be of similar quality, appropriate in size to the interior room use.</li> <li>14. Exterior detailing may have vinyl elements such as porch columns and railings, soffits and windows.</li> <li>15. Asphalt shingle roofs shall have a minimum pitch of 6:12 and roof shall have periodic decorative vents and/or dormers, etc. to break up the roof line. Metal roofing material or other similar material to be approved by planning staff will be used on entrance roofs (where the copula and chimney are located).</li> <li>16. Trim work and general millwork as depicted on the illustrative elevation will include but not be limited to: cupola, decorative gable vents, raised seem metal roofing, fenestration, windows and mullions/mullets, clerestory, lintels, horizontal banding, porches, railings, columns and capitals, and ornamentation.</li> <li>17. Lighting should be limited to 25-feet in height.</li> <li>18. The following note should be added to the detention areas: "Potential location for storm water management facility. Actual location of such facilities shall be determined through the site plan review and permitting process".</li> <li>19. The class "C" buffer will be maintained next to the existing multi-family. As a class "B" buffer is not possible due to a proposed detention location, additional buffer plantings to meet the planting requirements of the class "B" buffer will be installed.</li> </ol> <p>Attachment 4</p> |
| <p><b>Deferral<br/>(1-month to<br/>April)</b></p> <p><b>Protests<br/>Sufficient</b></p> | <p><b>5. Petition No. 2010-072 by Quail Corners Associates, LLC</b> for a CC site plan amendment for approximately 14.40 acres located at the southwest corner of the intersection of Park Road and Sharon Road West.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition for one month to the March 30, 2011 Zoning Committee meeting.</p> <p>Attachment 5</p>   |
| <p><b>Deferral<br/>(2-month to<br/>May)</b></p>   | <p><b>6. Petition No. 2010-079 by Charlotte-Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to add a new use, definition, and prescribed conditions for an eco-industrial facility.</p> <p>The Zoning Committee voted 6-1 to <b>DEFER</b> this petition for two months to the April 27, 2011 Zoning Committee meeting.</p> <p>Attachment 6</p>   |
| <p><b>Deferral<br/>(1-month to<br/>April)</b></p>                                       | <p><b>7. Petition 2010-080 by Charlotte Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to replace the regulations for "outdoor seasonal fresh produce sales" with a new definition and regulations for "fresh produce markets.</p> <p>The Zoning Committee voted unanimously to <b>DEFER</b> this petition for one month to the March 30, 2011 Zoning Committee meeting.</p> <p>Attachment 7</p>  |

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|  | <p><b>8. Petition No. 2011-006 by Dore Academy</b> for a change in zoning of approximately 6.078 acres located on the south side of Parkway Plaza Boulevard near Courtney Commons Lane from I-1(CD) to O-1.</p> <p>The petition is found to be consistent with the <i>Westside Strategic Plan</i>, and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 8</p>   |
|  | <p><b>9. Petition No. 2011-007 by Medical Facilities of North Carolina, Inc.</b> for an INST(CD)(LLWA) site plan amendment for approximately 9.05 acres located on the east side of Toddville Road between Freedom Drive and Lewhaven Drive.</p> <p>The petition is found to be consistent with the <i>Northwest District Plan</i>, and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Attachment 9</p>   |
|  | <p><b>10. Petition No. 2011-010 by Hendrick Automotive Group</b> for a B-2(CD) site plan amendment for approximately 8.08 acres located on the west side of East Independence Boulevard across from East W. T. Harris Boulevard.</p> <p>The petition is found to be consistent with the <i>East District Plan</i>, and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modification:</p> <ol style="list-style-type: none"> <li>1. The double row of Leyland Cypress or Eastern Red Cedar is shown on the site plan (as per rezoning petition 1997-087), and language has been added to clarify that in the event the existing ball field is abandoned, that area will be landscaped to meet the required 75' Class B buffer requirement.</li> </ol> <p>Attachment 10</p> |
|  | <p><b>11. Petition 2011-013 by Charlotte Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Subdivision Ordinance to eliminate the transitional setback along identified sections of US Hwy. 74 upon completion of NCDOT Right-of-Way Acquisition Program.</p> <p>The petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 11</p>   |
|  | <p><b>12. Petition 2011-014 by Charlotte Mecklenburg Planning Commission</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to eliminate the transitional setback along identified sections of US Hwy. 74 upon completion of NCDOT Right-of-Way Acquisition Program.</p> <p>The petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend <b>APPROVAL</b> of this petition.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 12</p>  |



## HEARINGS

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|   | <p><b>13. Petition No. 2011-002 by 521 Partners, LLC</b> for an O-1 (CD) site plan amendment for approximately 12.54 acres located on the southwest corner at the intersection of Providence Road West and Johnston Road.</p> <p>Staff does not recommend approval of this petition as currently proposed.</p> <p>Attachment 13</p>   |
| <p><b>Deferral<br/>(3-months to<br/>June)</b></p> | <p><b>14. Petition No. 2011-008 by Thies Realty &amp; Mortgage Co.</b> for a change in zoning for approximately 1.16 acres located on the west side of Providence Road between Moravian Lane and Ardsley Road from B-1 to UR-C(CD).</p> <p>Petitioner is requesting 3-month deferral of this petition to June 20, 2011 City Council meeting.</p> <p>Staff is recommending approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 14</p>   |
|   | <p><b>15. Petition No. 2011-009 by Crescent Resources, LLC</b> for a MUDD-O site plan amendment for approximately 7.81 acres located on Carnegie Boulevard and west of the intersection between Assembly Street and Carnegie Boulevard.</p> <p>Staff is recommending approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 15</p>  |
|   | <p><b>16. Petition No. 2011-012 by Steve McGirt</b> for a I-2(CD) site plan amendment for approximately 5.61 acres located along Center Park Drive near Beam Road.</p> <p>Staff is recommending approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 16</p>   |
|   | <p><b>17. Petition No. 2011-015 by Long Animal Hospital</b> for a MUDD-O site plan amendment for approximately 1.19 acres located on the eastern corner of the intersection at South Boulevard, Ideal Way and Remount Road.</p> <p>Staff is recommending approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 17</p>  |
|   | <p><b>18. Petition No. 2011-016 by Zula Express Inc.</b> for a change in zoning of approximately 0.26 acres located on the west side of Margaret Wallace Road near the intersection of Margaret Wallace Road and Idlewild Road from B-1 to NS.</p> <p>Staff is recommending approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 18</p>   |
|   | <p><b>19. Petition 2011-019 by Charlotte-Mecklenburg Storm Water Services</b> for the adoption of a text amendment to the City of Charlotte Zoning Ordinance to reflect changes in the enforcement of buffers from Mecklenburg County Department of Environmental Protection to Charlotte-Mecklenburg Storm Water Services, and to update references to the <a href="#">Charlotte Land Development Standards Manual</a> and <a href="#">Charlotte-Mecklenburg BMP Design Manual</a>.</p> <p>Staff is recommending approval of this petition.</p> <p>Attachment 19</p> |